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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 10th September, 1964/Bhadra 19, 1886 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (DEBT CONCILIATION AND GRANT OF LOANS) REGULATION, 1964

No. 8 OF 1964

Promulgated by the President in the Fifteenth Year of the
Republic of India.

A Regulation to provide for the conciliation of debts
incurred by, and for the grant of loans to, the inhabitants
of the Union territory of the Laccadive, Minicoy and
Amindivi Islands.

In exercise of the powers conferred by article 240 of the
Constitution, the President is pleased to promulgate the following
Regulation made by him:—

1. (1) This Regulation may be called the Laccadive, Minicoy and
Amindivi Islands (Debt Conciliation and Grant of Loans) Regulation,
1964.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of the Laccadive,
Minicoy and Amindivi Islands.

(3) It shall come into force on such date as the Administrator may,
by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

Defini-
tions.

(a) "Administrator" means the Administrator of the Union
territory of the Laccadive, Minicoy and Amindivi Islands;

(b) "debt" means all liabilities owing to a creditor imme-
diately before the commencement of this Regulation, in cash or

in kind, secured or unsecured, whether payable under a decree or order of a civil court or otherwise, and whether mature or not, and includes any such liability arising under an agreement, whether oral or written,—

(i) whereby specified number of coconut trees belonging to the debtor are put in possession of the creditor for a specified period, giving the latter the right to enjoy their usufruct at an agreed rate in terms of money per tree per year so put in possession in lieu of interest or principal or both; or

(ii) whereby certain quantity of dried copra or raw coconuts are agreed to be delivered during the subsistence of the debt by the debtor to the creditor at regular intervals and at an agreed specified rate in lieu of interest or principal or both; or

(iii) whereby specified number of coconut trees belonging to the debtor are put in possession of the creditor in consideration of the loan advanced with a condition, express or implied, that during the subsistence of the debt the creditor shall be entitled to appropriate the usufruct from such trees in lieu of interest or principal or both;

but does not include—

(i) arrears of wages; or

(ii) land revenue or anything recoverable as an arrear of land revenue; or

(iii) any debt due to a co-operative bank or co-operative society or to any banking company as defined in the Banking Companies Act, 1949; or

10 of 1949.

(iv) any money for the recovery of which a suit is barred by limitation;

(c) "debtor" means an inhabitant of the Union territory of the Laccadive, Minicoy and Amindivi Islands who was, and both of whose parents were, born in those islands, and whose debt exceeds five rupees;

(d) "prescribed" means prescribed by rules made under this Regulation;

(e) "secured debt" includes mortgage debt or any debt for which there is security, lien or charge on immovable property created by deed, statute or otherwise.

Establish-
ment of
tribunals.

3. The Administrator may, by notification in the Official Gazette, establish for any area specified therein, a tribunal consisting of a sole member who shall be an officer not below the rank of tahsildar having jurisdiction over that area.

4. (1) A debtor may make an application for the settlement of his debts to the tribunal established for the area in which he resides, whether or not the time for redemption or payment of any of his debts has expired

Applica-
tion for
concilia-
tion.

(2) Every application made under sub-section (1) shall be in writing and shall be signed and verified in the prescribed manner.

(3) Every such application shall contain the following particulars, namely:—

(a) a statement that the debtor is unable to pay his debts;

(b) the place where he resides;

(c) the amount and particulars of all claims against him together with the names and residences of his creditors, so far as they are known to, or can, by exercise of reasonable care and diligence, be ascertained by him;

(d) the particulars of the debtor's properties, both movable and immovable (including claims due to him), a specification of the value thereof as accurately as possible, and of any mortgage, lien or charge subsisting thereon;

(e) the particulars of the documents evidencing or proving the existence of the debts enumerated in the application;

(f) whether any time-limit has been specified for the redemption or payment of any debt, and if so, whether it has expired on the date of the application;

(g) such other matters as are relevant for inquiry.

(4) Any application which does not comply with any of the requirements mentioned in clauses (a) to (f) of sub-section (3) shall be rejected by the tribunal:

Provided that the rejection of an application shall not preclude the applicant from making a fresh application.

5. (1) On receipt of an application under section 4, the tribunal shall, unless it rejects the application for non-compliance with any of the requirements mentioned in clauses (a) to (f) of sub-section (3) of section 4, pass an order fixing a date and place for hearing the application.

Hearing of
applica-
tion.

(2) Notice of the order under sub-section (1) shall be served in the prescribed manner on the debtor and each of the creditors named in the application and copies of the notice shall be affixed on the notice boards of the offices of the amins or karanis having jurisdiction over the respective areas in which the debtor and each of the creditors reside.

6. An application under section 4 may be dismissed by the tribunal at any stage of the proceedings,—

(i) if the applicant fails, when ordered by the tribunal to do so, to appear before the tribunal or to take any steps in relation to the application:

Dismissal
of the
applica-
tion in
certain
circum-
stances.

Provided that such application may be restored to file if the applicant satisfies the tribunal that he was not able to appear before the tribunal or to take the steps aforesaid for reasons beyond his control; or

(ii) if the application includes a claim which, in the opinion of the tribunal, is collusive and intended to defraud any creditor.

Filing of
written
statement
and
procedure
thereon.

7. (1) Every creditor whose name is set forth in the application shall, on or before the date of hearing of the application, or within such further time as the tribunal may grant, present a written statement of debts owed to such creditor by the debtor as prescribed in sub-section (3) and his objections, if any, on the application.

(2) Where any creditor fails to present the written statement as provided in sub-section (1)—

(a) in the case of any debt included in the particulars furnished by the debtor under sub-section (3) of section 4, the creditor shall not be entitled, in any proceeding before the tribunal or a civil court or on any other occasion, to dispute the accuracy of the said particulars in regard to such debt; and

(b) every other debt shall be deemed for all purposes and on all occasions to have been duly discharged:

Provided that if a creditor proves to the satisfaction of the tribunal that the notice was not served on him and that he had no knowledge of the publication thereof or that for some other sufficient reason he was unable to submit the written statement, the tribunal may revive the debt payable to such creditor, if he files an application in that behalf within a month after he becomes aware of the proceedings taken under section 5.

(3) Every creditor shall furnish, along with his written statement, full particulars of all debts due to him from the applicant and shall, at the same time, produce all documents in support of the same including entries in books of account on which he relies to support his claim together with a true copy of every such document.

(4) The tribunal shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

(5) If any document which is in the possession or under the control of a creditor is not produced by him as required by sub-section (3), the document shall not be admissible in evidence against the debtor in any suit brought by such creditor or by any person claiming under him for the recovery of the debt:

Provided that the tribunal shall have the power to condone for valid reasons any default or delay in the production of documents

and grant reasonable time for the production of the same in any proceeding pending before it.

8. (1) The tribunal shall call upon the applicant and all his creditors to explain their respective cases regarding each debt and shall use its best endeavour to induce them to arrive at an amicable settlement.

Power of tribunal to effect settlement and to decide dispute as to existence or amount of debt or assets.

(2) If there is a dispute as to the existence or the amount of the debt due to a creditor or the assets of a debtor, the tribunal may decide the dispute after taking such evidence as it considers necessary:

Provided that a decree of a civil court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

9. (1) No creditor shall be allowed a greater amount in satisfaction of both the principal and interest of a debt than twice the amount of the principal and accordingly—

Maximum amount allowable in settlement of a debt and powers of tribunal in respect thereof.

(i) if, in the course of the proceedings before the tribunal, it is found that any of the creditors has received from his debtor twice or more than twice the amount of the principal in cash or in kind by way of realisation of coconuts or copra under the terms of the agreement relating to the debt, the tribunal shall pass orders that the debt shall be deemed to have been fully discharged and shall declare that the debtor shall, from the date of the order, be in lawful possession of the property or coconut trees secured for the debt that is deemed to have been discharged;

(ii) if, in the course of such proceedings, it is found that with respect to any debt, the amount received in cash or in kind by way of realisation of coconuts or copra as aforesaid, by the creditor falls short of twice the amount of the principal, the tribunal shall pass orders that only such amount as, together with the amount already so received, will be equal to twice the amount of the principal, shall be repayable with respect to such debt.

(2) For the purposes of clauses (i) and (ii) of sub-section (1), the money equivalent of the coconuts or copra realised by the creditor shall be computed in the prescribed manner on the basis of the average market price of coconuts or copra, as the case may be, for three years immediately preceding the commencement of this Regulation.

Appeal
from
order of
tribunal.

10. (1) Any person aggrieved by any order of the tribunal under section 8 or section 9 may, within thirty days from the date of that order, appeal to the prescribed authority:

Provided that in computing the period of thirty days aforesaid, the period commencing on and from the 15th May and ending with the 15th September each year (when access to and from the mainland is not possible due to the monsoon) shall be excluded.

(2) Subject to the provisions of section 11, the decision of the tribunal where no appeal is filed, and the decision of the prescribed authority where an appeal is filed, shall be final and shall not be questioned in any court of law.

Revision.

11. The Administrator may, within three months from the date of the order passed in appeal under section 10, call for and examine the record of any proceeding relating to such order for the purpose of satisfying himself as to the legality or propriety of the order and may pass such order thereon as he thinks fit.

Grant of
loans by
Adminis-
trator.

12. (1) Subject to such rules as may be prescribed, the Administrator may, on such security as he may consider sufficient, grant loans to any debtor whose debt has been settled under sections 8, 9, 10 and 11.

(2) The amount of the loan shall in no case exceed the amount of the debt so settled.

(3) Any loan granted under this section shall carry interest at such rate per annum, and shall be repayable within such number of half-yearly instalments from the date of grant of the loan, as the Administrator may from time to time specify.

Procedure
as to
secured
debts.

13. (1) If the Administrator is satisfied that a debtor has no property, movable or immovable, other than the property secured by the debtor to the creditor for the advance of the debt and that the property secured as aforesaid will be sufficient security for the loan, he may grant the loan on the security of that property in which case the loan granted shall be paid by the Administrator to the creditor for and on behalf of the debtor.

(2) Where any loan is paid to the creditor under sub-section (1), the debt due to the creditor from the debtor shall be deemed to have been fully discharged and the creditor shall cease to have any right over the properties secured to him and all such rights shall stand transferred to and vest in the Administrator.

Loans
recover-
able in the
prescribed
manner.

14. All loans granted under section 12 and interest, if any, chargeable thereon and cost, if any, incurred in making the same shall, when they become due, be recoverable in the prescribed manner.

5 of 1908.

15. Every tribunal shall have, for the purposes of this Regulation, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in relation to the following matters, namely:—

Tribunal to have certain powers of a civil court

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commission for the inspection of property or for examination of witnesses;

(f) inspection of property.

16. No civil court shall entertain any suit in respect of any matter pending before a tribunal or the prescribed authority or the Administrator under this Regulation and no injunction shall be granted by any court or other authority in respect of action taken or proposed to be taken in pursuance of any power conferred by or under this Regulation.

Jurisdiction of civil courts barred.

17. During the pendency of an application, appeal or revision before a tribunal, the prescribed authority or Administrator, as the case may be, in relation to the settlement of any debt, any suit or other proceeding before a civil court in respect of such debt shall not be proceeded with until and unless the application, appeal or revision has been disposed of.

Stay of pending suits or other proceedings.

18. No suit, prosecution or other legal proceeding shall lie against the Government, any officer of the Government, a tribunal or the prescribed authority for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rule made thereunder.

Protection of action taken in good faith.

19. (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for,—

(a) the form of application to the tribunal;

(b) the form and manner of service of notices;

(c) the fees payable on applications and appeals;

(d) recording of evidence and marking of documents by the tribunal;

(e) the registers to be maintained by the tribunal;

(f) the procedure to be followed in appeals and revisions under this Regulation;

(g) verifying the sufficiency of the security offered for the grant of loans;

(h) the manner of recovery of loans and other sums from defaulting debtors on lines similar to provisions contained in the Revenue Recovery Act, 1890;

1 of 1890.

(i) any other matter which has to be or may be prescribed.

S. RADHAKRISHNAN,
President.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (PROTECTION OF SCHEDULED TRIBES) REGULA- TION, 1964

No. 9 OF 1964

Promulgated by the President in the Fifteenth Year of the Republic of India.

A Regulation to provide for the protection of the interests of the Scheduled Tribes of the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands (Protection of Scheduled Tribes) Regulation, 1964.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

(3) It shall come into force at once.

2. In this Regulation, unless the context otherwise requires,—

Defini-
tions.

(a) “Administrator” means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands;

(b) “Scheduled Tribes” means the Scheduled Tribes of the Laccadive, Minicoy and Amindivi Islands as specified in the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

3. (1) No member of the Scheduled Tribes shall, except with the previous sanction of the Administrator, transfer by way of sale, mortgage, lease, exchange, gift or otherwise, any land to any person other than any such member.

Transfer
and
attach-
ment of
land to be
void in
certain
cases.

(2) No land held or occupied by a member of the Scheduled Tribes shall be liable to attachment or sale in execution of any decree or order of a civil or revenue court.

(3) Any transfer, attachment or sale of any land made in contravention of this section shall be void.

Acquisition of interest in land, etc.

4. No person other than a member of the Scheduled Tribes shall, except with the previous sanction of the Administrator, acquire any interest in any land situated in the Union territory of the Laccadive, Minicoy and Amindivi Islands or in any product of, or crop raised on, such land.

Penalty.

5. Whoever, in contravention of the provisions of section 4, acquires any interest in, or in any product of, or crop raised on, any land, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and the interest so acquired shall be disposed of in such manner as the Administrator may, after taking into consideration the circumstances of the case, direct.

Administrator to record reasons for granting sanction.

6. Where the Administrator grants sanction for transfer of any land under sub-section (1) of section 3 or for acquisition of any interest in any land or in any product of, or crop raised on, such land, under section 4, the Administrator shall record his reasons for such grant.

Power to make rules.

7. The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

Regulation to override other laws.

8. The provisions of this Regulation and of any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, or in any usage or agreement, or in any decree or order of any court or other authority.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR,

Secy. to the Govt. of India.

